

SUPREME COURT OF GEORGIA

Walker v. State, 282 Ga. 774

653 S.E.2d 439 (Ga. 2007) · No. S07P0687 · Decided October 9, 2007

SUMMARY

The Supreme Court of Georgia affirmed Artemus Rick Walker’s convictions for murder and related offenses and his death sentence. The court rejected challenges concerning jury selection, trial-court comments, evidentiary rulings, prosecutorial arguments, victim-impact testimony, and statutory aggravating circumstances. The court invalidated two aggravating circumstances as improperly stated but upheld the death sentence based on the remaining valid circumstances and found it neither disproportionate nor imposed under passion, prejudice, or arbitrariness.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice; All other Justices
JURISDICTION	Georgia
DECIDED	October 9, 2007
DOCKET	S07P0687
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for malice murder and related offenses and the imposition of a death sentence.
STANDARD OF REVIEW	Evidence is viewed in the light most favorable to the verdict, and the question is whether a rational trier of fact could find the elements of the offenses and statutory aggravating circumstances beyond a reasonable doubt under Jackson v. Virginia. Other issues were reviewed under abuse-of-discretion, harmless-beyond-a-reasonable-doubt, plain-error, waiver, or statutory death-penalty review standards as applicable.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Artemus Kirk Walker v. The State

TOPICS

- sentencing
- criminal procedure
- evidence
- appellate procedure
- preservation of error

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Walker's convictions.
2. Whether the trial court committed reversible error in excusing prospective jurors for hardship and limiting voir dire.
3. Whether the trial court made improper comments during the guilt phase under OCGA § 17-8-57.
4. Whether victim-background testimony, chain-of-custody evidence, and items seized from Walker's apartment were improperly admitted.
5. Whether the prosecutor made improper burden-shifting, religious, or other sentencing arguments.
6. Whether a letter addressed to Walker's codefendant was sufficiently authenticated and admissible during the sentencing phase.
7. Whether victim-impact testimony was improperly admitted.
8. Whether the statutory aggravating circumstances supported the death sentence and whether the death sentence was proportionate and free from passion, prejudice, or arbitrariness.

HOLDINGS

1. The evidence, viewed in the light most favorable to the State, was sufficient for a rational trier of fact to find Walker guilty of all charged offenses beyond a reasonable doubt.
2. A defendant waives appellate review of a directed-verdict claim by failing to obtain a ruling on the motion.
3. Walker could not obtain appellate relief regarding the juror hardship excusals or the limitation of voir dire because he waived some claims and failed to show an abuse of discretion on the remaining claim.
4. The trial court's comments did not constitute reversible error under OCGA § 17-8-57.
5. The trial court erred by admitting testimony about the victim's church membership and status as a deacon during the guilt phase, but the error was harmless beyond a reasonable doubt.
6. The trial court properly admitted the letter addressed to Griffin during the sentencing phase because the totality of the circumstantial evidence supported authentication, and the letter was relevant and not inadmissible hearsay.
7. Victim-impact testimony about the emotional impact of the crime on the community may include testimony from nonfamily witnesses concerning the personal impact on those witnesses.
8. Two aggravating circumstances concerning aggravated battery before death and torture were invalid because they deviated substantially from the statutory language, but the death sentence remained valid because at least one valid aggravating circumstance supported it.
9. Walker's death sentence was neither disproportionate nor imposed under the influence of passion, prejudice, or another arbitrary factor.

KEY QUOTATIONS

“Nevertheless, after setting aside these two statutory aggravating circumstances, we need not reverse Walker's death sentence, because it remains supported by at least one valid statutory aggravating circumstance.” (at 447)

“We hold that testimony about the "emotional impact of the crime on . . . the community" may include testimony by witnesses who are not family members regarding the impact the crime had on them personally.” (at 446)

FACTUAL BACKGROUND

Walker devised a plan to rob and kill Lynwood Ray Gresham, a bank vice president whose home was near Walker's service station. Walker and Gary Lee Griffin went to Gresham's home, where Walker stabbed Gresham twelve times, took his wallet and keys, and attempted to enter the home after Gresham was incapacitated. Walker was arrested nearby with Gresham's blood on his clothing and Gresham's keys; the murder weapon and a pistol were found near the arrest site.

PROCEDURAL HISTORY

Walker was indicted in Macon County on malice murder, felony murder, armed robbery, aggravated assault, attempted burglary, and possession of a firearm by a convicted felon. A jury convicted him on all charges and recommended death for the murder; the trial court imposed death for malice murder, life imprisonment for armed robbery, and consecutive terms for the remaining convictions. After the trial court denied his amended motion for new trial, Walker appealed directly to the Supreme Court of Georgia, which affirmed the convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Butts v. State, 273 Ga. 760(31), 546 S.E.2d 472 (2001)
- Lucas v. State, 274 Ga. 640(2)(b), 555 S.E.2d 440 (2001)
- Gissendaner v. State, 272 Ga. 704, 532 S.E.2d 677 (2000)
- Johnson v. State, 273 Ga. 872(1), 548 S.E.2d 292 (2001)
- Tennyson v. State, 282 Ga. 92(3), 646 S.E.2d 219 (2007)
- Tollette v. State, 280 Ga. 100(11), 621 S.E.2d 742 (2005)
- Jarrell v. State, 261 Ga. 880(2), 413 S.E.2d 710 (1992)
- Colwell v. State, 273 Ga. 634(11)(d), 544 S.E.2d 120 (2001)
- Atkins v. Virginia, 536 U.S. 304, 122 S. Ct. 2242, 153 L. Ed. 2d 335 (2002)
- Malcolm v. State, 263 Ga. 369(4), 434 S.E.2d 479 (1993)

- Carruthers v. State, 272 Ga. 306(2), 528 S.E.2d 217 (2000)

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